

## § 213.1

213.241 Inspection records.

### Subpart G—Train Operations at Track Classes 6 and Higher

- 213.301 Scope of subpart.
- 213.303 Responsibility for compliance.
- 213.305 Designation of qualified individuals; general qualifications.
- 213.307 Class of track: operating speed limits.
- 213.309 Restoration or renewal of track under traffic conditions.
- 213.311 Measuring track not under load.
- 213.317 Waivers.
- 213.319 Drainage.
- 213.321 Vegetation.
- 213.323 Track gage.
- 213.327 Alinement.
- 213.329 Curves, elevation and speed limitations.
- 213.331 Track surface.
- 213.333 Automated vehicle inspection systems.
- 213.334 Ballast; general.
- 213.335 Crossties.
- 213.337 Defective rails.
- 213.339 Inspection of rail in service.
- 213.341 Initial inspection of new rail and welds.
- 213.343 Continuous welded rail (CWR).
- 213.345 Vehicle qualification testing.
- 213.347 Automotive or railroad crossings at grade.
- 213.349 Rail end mismatch.
- 213.351 Rail joints.
- 213.352 Torch cut rail.
- 213.353 Turnouts, crossovers, and lift rail assemblies or other transition devices on moveable bridges.
- 213.355 Frog guard rails and guard faces; gage.
- 213.357 Derails.
- 213.359 Track stiffness.
- 213.361 Right of way.
- 213.365 Visual inspections.
- 213.367 Special inspections.
- 213.369 Inspection records.

APPENDIX A TO PART 213—MAXIMUM ALLOWABLE CURVING SPEEDS

APPENDIX B TO PART 213—SCHEDULE OF CIVIL PENALTIES

APPENDIX C TO PART 213—STATEMENT OF AGENCY POLICY ON THE SAFETY OF RAILROAD BRIDGES

AUTHORITY: 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461; and 49 CFR 1.49(m).

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## 49 CFR Ch. II (10–1–01 Edition)

### Subpart A—General

#### § 213.1 Scope of part.

(a) This part prescribes minimum safety requirements for railroad track that is part of the general railroad system of transportation. The requirements prescribed in this part apply to specific track conditions existing in isolation. Therefore, a combination of track conditions, none of which individually amounts to a deviation from the requirements in this part, may require remedial action to provide for safe operations over that track. This part does not restrict a railroad from adopting and enforcing additional or more stringent requirements not inconsistent with this part.

(b) Subparts A through F apply to track Classes 1 through 5. Subpart G and 213.2, 213.3, and 213.15 apply to track over which trains are operated at speeds in excess of those permitted over Class 5 track.

#### § 213.2 Preemptive effect.

Under 49 U.S.C. 20106, issuance of these regulations preempts any State law, regulation, or order covering the same subject matter, except an additional or more stringent law, regulation, or order that is necessary to eliminate or reduce an essentially local safety hazard; is not incompatible with a law, regulation, or order of the United States Government; and that does not impose an unreasonable burden on interstate commerce.

#### § 213.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all standard gage track in the general railroad system of transportation.

(b) This part does not apply to track—

(1) Located inside an installation which is not part of the general railroad system of transportation; or

(2) Used exclusively for rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

#### § 213.4 Excepted track.

A track owner may designate a segment of track as excepted track provided that—